

on USEPA's Accidental Release Prevention Rule

SBCA-GEN-0800

The US Environmental Protection Agency (USEPA) issued a rule aimed at preventing and minimizing the consequences of accidental releases of hazardous chemicals. The 1984 methyl isocyanate release in Bhopal, India, which killed over 2,000 people, and a subsequent chemical release in West Virginia, which hospitalized more than 100 people, increased the public's concern of the potential dangers associated with accidental releases of hazardous substances. As a result, the United States now has rules designed to protect people from accidental releases of hazardous compounds.

On June 20, 1996, the USEPA issued the Accidental Release Prevention Rule, as required by section 112(r) of the Clean Air Act Amendments of 1990. That rule affects stationary sources ranging from chemical manufacturers and refineries, to cold storage facilities and propane distributors. It requires owners or operators of affected facilities to evaluate the potential offsite hazards associated with accidental releases and develop and implement programs that prevent and minimize the consequences of those hazards.

Who's Affected By 112(r)?

The rule lists 77 toxic compounds and 63 flammable compounds and explosives. It affects stationary sources (both public and private) that manufacture, store, or use any of those compounds at or above their respective applicable threshold quantities, which range from 500 - 20,000 pounds. Farmers who use ammonia as a nutrient are exempt, as are those that store or sell propane for use as a fuel. USEPA is proposing to delist explosives, and exempt gasoline for internal combustion engines, crude oil, and field gas.

The affected source "universe" includes chemical manufacturers, propane distributors, cold storage facilities, drinking water systems, and wastewater treatment systems.

Risk Management Programs

Affected facilities must develop and implement risk management programs. Program requirements are process-specific and are divided into Programs 1, 2, and 3. (See chart on page two for more details.)

Program 1 contains the fewest requirements while Program 3 contains the most. Some facilities may have processes that are in more than one program. Programs 1 and 2 will affect most small businesses.

Risk Management Plans and Part 70 Permits

Owners or operators of affected facilities must complete a risk management plan (RMP) that includes a risk management program summary and a registration form. One RMP copy was to be sent to USEPA by June 20, 1999. After that date, an RMP should be submitted whenever a regulated compound is first present above the threshold quantity. USEPA encourages facilities to use existing emergency response programs to meet rule requirements, whenever possible.

USEPA will be responsible for receiving the RMPs, qualitatively reviewing those RMPs to make sure that they are comprehensive and technically adequate, and making those RMPs available to states, local communities, and the public.

Compliance Assistance

USEPA has issued the RMP Offsite Consequence Analysis Guidance. The guidance will help small businesses compile hazard assessments without having to invest in expensive computer modeling programs. USEPA developed standardized RMP forms to encourage facilities to submit RMPs electronically. The electronic RMP submittal forms package is on their website at <http://www.epa.gov/ceppo/rmpsubmt.html>.

The rule is in the June 20, 1996 edition of the Federal Register and the RMP amendments were published in

the Federal Register on January 6, 1999, and is available electronically through USEPA's Chemical Emergency Preparedness and Prevention Office (CEPPO) website at <http://www.epa.gov/ceppo/lr-regs.htm>.

After concerns about terrorist activities if all RMP information were made available to the public, USEPA re-evaluated how they would disseminate the information. The final rule regarding dissemination of the RMP information was published in the Federal Register on August 4, 2000 and is available on the CEPPO website mentioned above.

Risk Management Program Eligibility and Requirements

Program	Eligibility	Requirements
1	Available to processes that: <ul style="list-style-type: none">• Have had no offsite accidental releases with offsite consequences in the past five years,• Are located at facilities that have coordinated emergency response procedures with local emergency planning & response organizations, and• Will not adversely affect the public under the worst case scenario.	<ul style="list-style-type: none">• Analyze the worst case scenario,• Complete a five year accident history, and• Certify that response actions have been coordinated with local emergency planning and response agencies.
2	Applies to processes not subject to Programs 1 or 3	<ul style="list-style-type: none">• Analyze the worst case and alternative release scenarios; and• Develop and implement a Program 2 or 3 accidental release prevention plan, an emergency response program, and a management system to oversee implementation of risk management program.
3	Applies to processes not eligible for Program 1 and: <ul style="list-style-type: none">• In SIC codes 2611 (pulp mills), 2812 (alkalies and chlorine), 2819 (industrial inorganic chemicals), 2821 (plastics and resins), 2865 (cyclic crudes), 2869 (industrial organic chemicals), 2873 (nitrogenous fertilizers), 2879 (agricultural chemicals), or 2911 (petroleum refining); or• Subject to the U.S. OSHA process safety management standard.	<ul style="list-style-type: none">• Analyze the worst case and alternative release scenarios; and• Develop and implement a Program 3 accidental release prevention plan, an emergency response program, and a management system to oversee implementation of risk management program.

Contacts for More Information or Assistance.

The Small Business Clean Air Assistance Program helps smaller businesses understand and comply with the Clean Air Act regulations. Contact one of the program's Clean Air Specialists for more assistance: Renée Lesjak Bashel at 608/264-6153 or Tom Coogan at 608/267-9214.

While Wisconsin Department of Natural Resources (DNR) did not take delegation from USEPA for 112(r) the Accidental Release Rule, you can get some additional information on the rule if you contact Mike Ross at the DNR's Central office at (608) 267-0564.

USEPA has a wealth of information concerning this rule. The USEPA Region V contact is Mark Horwitz at (312) 353-9045. The USEPA's CEPPO Home Page is at <http://www.epa.gov/ceppo/>.